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WELLS FARGO & CO.

**UNITED STATES DISTRICT COURT**  
**FOR THE NORTHERN DISTRICT OF CALIFORNIA**

VERONICA GUTIERREZ, *et al.*,

Plaintiffs,

v.

WELLS FARGO & COMPANY, *et al.*,

Defendants.

CASE NO. CV-07-5923 WHA (JCSx)

**DECLARATION OF JOHN  
AHRENDT IN SUPPORT OF WELLS  
FARGO BANK, N.A.'S MOTION  
FOR SUMMARY JUDGMENT**

Date: August 21, 2008

Time: 8:00 a.m.

Courtroom: 9

Honorable William H. Alsup

1  
2 1. I am Senior Vice President and Marketing Database Decision Support  
3 Strategies Manager of the Internet Group of Wells Fargo Bank, N.A. ("Wells Fargo"). In that  
4 position, I am responsible for overseeing the Bank's policies and procedures with respect to  
5 gathering and analyzing data relating to customer use of online banking. I make the statements  
6 in this declaration based on my personal knowledge.

7 2. Wells Fargo records in a Banking Events ("BEV") database data on  
8 significant events in customers' use of online banking, including the dates and times of logins  
9 and logouts. This data is maintained in the database for approximately 13 months, after which it  
10 is archived onto physical tape. The archiving process is not automated and must be manually  
11 performed. Once the data is copied to a tape, it is permanently deleted from the database.

12 3. I have reviewed the BEV database entries showing the online banking  
13 activity of plaintiff Erin Walker from May 29, 2007, to June 14, 2007. During that period, Ms.  
14 Walker's online banking was accessed on June 8, June 13, and June 14. Our records show that  
15 it was not accessed on any other date during that period.

16 4. Data from October 2006 does not appear on the archived tape from the BEV  
17 database. Instead, data from September 2006 appears twice. Although I do not know  
18 specifically what happened in this instance, based on my knowledge of the process, I believe  
19 that human error caused the September 2006 data to be copied twice and the October 2006 data  
20 to be lost. Because it was not saved on the archived tape, there is no way to retrieve the October  
21 2006 data.

22 I declare under the penalty of perjury under the laws of the United States and the  
23 State of California that the foregoing is true and correct.

24 Executed in San Francisco, California on July 9, 2008.

25  
26  
27   
28 John Ahrendt